

**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **CITY OF MCFARLAND**  
Water System No. 1510013

TO: Mario Gonzales, Public Utilities Director  
City fo McFarland  
401 West Kern Avenue  
McFarland, CA 93250

CC: Kern County Environmental Health Services Department

**CITATION FOR USE OF UNPERMITTED WATER SUPPLY SOURCE**  
**January 2013**  
**Issued February 15, 2013**

Section 116650, Chapter 4 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued thereunder.

**VIOLATIONS**

The City of McFarland (hereinafter City) owns and operates the City of McFarland water system, a community water system serving a population of approximately 12,333 persons through 2,455 service connections.

The Drinking Water Field Operations Branch of the California Department of Public Health (hereinafter Department) hereby issues a citation to the City of McFarland for failure to comply with Section 116550(a) of the California Health and Safety Code (CHSC) and Section 64560 of Title 22, California Code of Regulations (CCR).

1 Specifically, the City (mailing address: 401 West Kern Avenue, McFarland, CA 93250)  
2 used an unpermitted water source (Browning Road Well) as an active source of supply  
3 in the domestic water supply system on January 2 and 3, 2013. The use of the Browning  
4 Road Well was confirmed by Mr. Kris Wilcox, a contract engineer for the City's Public  
5 Works Department, via telephone on January 3, 2013.  
6

7 Section 64560, Title 22, CCR requires that in order to receive an amended domestic  
8 water supply permit for a proposed well, the water system must provide several items as  
9 a part of the permit amendment application. Prior to use of the unapproved source, the  
10 City had not provided the Department the following required information:  
11

- 12 1. A source water assesement (SWAP) for the well site as defined in Section  
13 63000.84, Title 22, CCR.
- 14 2. Documentation demonstrating that a well site control zone with a 50-foot radius  
15 around the site can be established for protecting the source from vandalism,  
16 tampering and other threats.
- 17 3. Design plans and specifications for the well.
- 18 4. Documentation required for compliance with the California Environmental  
19 Quality Act (CEQA).
- 20 5. A copy of the Kern County well construction permit.
- 21 6. Department of Water Resources well completion report.
- 22 7. Results for all required water quality analysis, submitted electronically to the  
23 Department database.
- 24 8. As-built plans for the well and site improvements.
- 25
- 26
- 27

Subsequent to contacting the Department on January 3, 2013 and after being instructed to do so on that date by the Department, the City discontinued use of the Browning Road Well. The City then submitted several of the eight (8) required aforementioned items; however, the five (5) items listed below remain outstanding:

1. A source water assessment (SWAP) for the well site as defined in Section 63000.84, Title 22, CCR.
2. Documentation demonstrating that a well site control zone with a 50-foot radius around the site can be established for protecting the source from vandalism, tampering and other threats.
3. Design plans and specifications for the well.
4. A copy of the Kern County well construction permit.
5. Results for all required water quality analysis, submitted electronically to the Department database.
6. As-built plans for the well and site improvements.

The above violations are classified as non-continuing violations.

#### **PUBLIC NOTIFICATION REQUIREMENTS**

This is considered a monitoring and reporting violation and requires public notification.

All of the required chemical monitoring was not conducted for the unapproved source and therefore those monitoring results could not be reported to the Department electronically. Thus, public notification must be conducted as there is no basis to determine whether the source water met primary drinking standards. Public notification must be accomplished using one (1) of the following methods using the attached template (Attachment A). Please read the attachment and complete as needed.

- Public notification in a local newspaper (weekly or daily)

- Mail or hand delivery
- Publication in the 2013 Consumer Confidence Report (CCR)

### **DIRECTIVES**

The City of McFarland is hereby directed to take the following actions:

1. **By March 1, 2013**, the City of McFarland shall submit a report describing when the Browning Road Well was put in service, usage of the well and all bacteriological and chemical monitoring conducted.
2. **By March 1, 2013**, the City of McFarland shall collect Synthetic Organic Chemical (SOC) water quality samples for the Browning Road Well and submit the results using electronic data transfer, primary station code 1510013-016.
3. **By March 1, 2013**, the City shall submit the following required items:
  - a. A source water assessment as defined in Section 63000.84, Title 22, CCR for the proposed site.
  - b. Documentation demonstrating that a well site control zone with a 50-foot radius around the site can be established for protecting the source from vandalism, tampering and other threats.
  - c. Design plans and specifications for the well.
  - d. A copy of the Kern County well construction permit.
  - e. As-built plans for the well and site improvements.
4. The City of McFarland shall report this violation to customers using one of the following public notification methods:

- a. Public notification in a local newspaper (weekly or daily)
- b. Mail or hand delivery
- c. Publication in the 2013 Consumer Confidence Report (CCR)

5. **By February 15, 2013**, the City shall submit a written response to the Department acknowledging receipt of this citation and intent to comply with all of the directives listed herein.

**ADMINISTRATIVE PENALTIES**

Section 116650 (d) and Section 116650 (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of Chapter 7. Failure to comply with any provision of the Citation may result in the Department imposing an administrative penalty not to exceed \$1000 (one thousand dollars) per day as of the date of violation of any provision of this Citation.

February 15, 2013 Tricia A. Wathen  
Date

Tricia A. Wathen, P.E.  
Senior Sanitary Engineer  
Visalia District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

TAW/CJF  
Attachment A – Proof of Public Notification  
03-12-13C-006-1510013-PP





RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

**PROOF OF NOTIFICATION**

(Return with copy of notice)

As required by Section 116450 of the California Health and Safety Code, I notified all users of water supplied by the **City of McFarland** of the failure to use only permitted water supply sources as directed by the Department.

Notification was made on \_\_\_\_\_ by  
(date)

**hand delivering / mailing / posting / publishing** the written notice.  
(circle all that apply)

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

DISCLOSURE: Be advised that Section 116725 and 116730 of the California Health and Safety Code state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in the county jail not to exceed one year, or by both the fine and imprisonment.

Due: July 1, 2013

Use of unpermitted water sources as active sources of supply

System Number: 1510013

Citation No. 03-12-13C-006